

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CARLTON KLUGH)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:20-CV-02306-ELR
)	
CSX TRANSPORTATION, INC.,)	
)	
Defendant.)	

CSX TRANSPORTATION, INC.’S AMENDMENT TO ANSWER

Defendant CSX Transportation, Inc. (“CSXT”), pursuant to Federal Rule of Civil Procedure 15 (a)(2) and Local Rule of the Northern District of Georgia 15.1, hereby amends its Answer filed on June 25, 2020 to add the following defense:

TWENTIETH DEFENSE

Plaintiff failed to timely or properly report the allegedly defective handbrake or the injuries he allegedly sustained when operating said handbrake in violation of CSXT’s rules and regulations governing employee conduct. As such, Plaintiff’s acts and omissions constituted spoliation of evidence that deprived CSXT of the ability to investigate the alleged accident, identify any potential witnesses, inspect and preserve relevant evidence, or investigate Plaintiff’s injury claims. CSXT has been unfairly, unlawfully and irreparably prejudiced and injured as a result of Plaintiff’s

acts and omissions and has been deprived of its ability to properly and fairly defend Plaintiff's claims in violation of its rights under the laws and constitutions of the United States and the State of Georgia.

Respectfully Submitted,

s/ Morris Wade Richardson

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CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of September 2020, I filed the above and foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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